101-542



Public Law 101-542
101st Congress

## An Act

To require institutions of higher education receiving Federal financial assistance to provide certain information with respect to the graduation rates of student-athletes at such institutions.

Nov. 8, 1990
[S. 580]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

Student Right-To-Know and Campus Security Act. 20 USC 1001 note.

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Student Right-To-Know and Campus Security Act".

## TITLE I—STUDENT RIGHT-TO-KNOW

Student Right-To-Know Act. 20 USC 1001 note.

**SEC. 101. SHORT TITLE.**

This title may be cited as the "Student Right-To-Know Act".

20 USC 1092 note.

**SEC. 102. FINDINGS.**

The Congress finds that—

(1) education is fundamental to the development of individual citizens and the progress of the Nation as a whole;

(2) there is increasing concern among citizens, educators, and public officials regarding the academic performance of students at institutions of higher education;

(3) a recent study by the National Institute of Independent Colleges and Universities found that just 43 percent of students attending 4-year public colleges and universities and 54 percent of students entering private institutions graduated within 6 years of enrolling;

(4) the academic performance of student athletes, especially student athletes receiving football and basketball scholarships, has been a source of great concern in recent years;

(5) more than 10,000 athletic scholarships are provided annually by institutions of higher education;

(6) prospective students and prospective student athletes should be aware of the educational commitments of an institution of higher education; and

(7) knowledge of graduation rates would help prospective students and prospective student athletes make an informed judgment about the educational benefits available at a given institution of higher education.

**SEC. 103. ADDITIONAL GENERAL DISCLOSURE REQUIREMENTS RELATING TO COMPLETION OR GRADUATION.**

(a) DISCLOSURE OF COMPLETION OR GRADUATION RATES.—Section 485(a)(1) of the Higher Education Act of 1965 (20 U.S.C. 1092(a)(1)) (in this Act referred to as the "Act") is amended—

(1) by striking "and" at the end of subparagraph (J);

(2) by striking the period at the end of subparagraph (K) and inserting "; and"; and

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(3) by adding at the end thereof the following new subparagraph:

"(L) the completion or graduation rate of certificate- or degree-seeking, full-time students entering such institutions.".

(b) CONSTRUCTION OF DISCLOSURE REQUIREMENTS.—Section 485(a) of such Act (42 U.S.C. 1092(a)) is further amended by inserting after paragraph (2) the following new paragraph:

"(3) In calculating the completion or graduation rate under subparagraph (L) of paragraph (1) of this subsection or under subsection (e), a student shall be counted as a completion or graduation if, within 150 percent of the normal time for completion of or graduation from the program, the student has completed or graduated from the program, or enrolled in any program of an eligible institution for which the prior program provides substantial preparation. The information required to be disclosed under such subparagraph—

"(A) shall be available beginning on July 1, 1993, and each year thereafter to current and prospective students prior to enrolling or entering into any financial obligation;

"(B) shall cover the one-year period ending on June 30 of the preceding year; and

"(C) shall be updated not less than biennially.

"(4) For purposes of this section, institutions may exclude from the information disclosed in accordance with subparagraph (L) of paragraph (1) the completion or graduation rates of students who leave school to serve in the armed services, on official church missions, or with a recognized foreign aid service of the Federal Government.".

(c) ANALYSIS OF POTENTIAL INSTITUTIONAL OUTCOMES.—(1) In conjunction with representatives of institutions of higher education, the Secretary shall analyze the feasibility and desirability of making available to students and potential students—

(A) the completion or graduation rate of individuals at an institution broken down by program or field of study;

(B) the completion or graduation rate of an institution reported by individual schools or academic divisions within the institution;

(C) the rate at which individuals who complete or graduate from the program of an institution pass applicable licensure or certification examinations required for employment in a particular vocation, trade, or professional field;

(D) the rate at which individuals who complete or graduate from an occupationally specific program and who enter the labor market following completion of or graduation from such a program obtain employment in the occupation for which they are trained; and

(E) other institutional outcomes that may be appropriate.

(2) In calculating the completion or graduation rate under paragraph (1), a student shall be counted as a completion or graduation if, within 150 percent of the normal time for completion of or graduation from the program, the student has completed or graduated from the program, or enrolled in any program of an eligible institution for which the prior program provides substantial preparation.

(d) REPORT.—The Secretary shall submit a report to the appropriate committees of Congress before August 1, 1991 on the analysis conducted pursuant to subsection (c).

**EC. 104. REPORTING REQUIREMENTS FOR INSTITUTIONS OF HIGHER EDUCATION.**

(a) AMENDMENT.—Section 485 of the Act (20 U.S.C. 1092) (as mended by section 103) is further amended by adding at the end hereof the following new subsection:

"(e) DISCLOSURES REQUIRED WITH RESPECT TO ATHLETICALLY RELATED STUDENT AID.—(1) Each institution of higher education which participates in any program under this title and is attended by students receiving athletically related student aid shall annually submit a report to the Secretary which contains—

"(A) the number of students at the institution of higher education who received athletically related student aid broken down by race and sex in the following sports: basketball, football, baseball, cross country/track, and all other sports combined;

"(B) the number of students at the institution of higher education, broken down by race and sex;

"(C) the completion or graduation rate for students at the institution of higher education who received athletically related student aid broken down by race and sex in the following sports: basketball, football, baseball, cross country/track and all other sports combined;

"(D) the completion or graduation rate for students at the institution of higher education, broken down by race and sex;

"(E) the average completion or graduation rate for the 4 most recent completing or graduating classes of students at the institution of higher education who received athletically related student aid broken down by race and sex in the following categories: basketball, football, baseball, cross country/track, and all other sports combined; and

"(F) the average completion or graduation rate for the 4 most recent completing or graduating classes of students at the institution of higher education broken down by race and sex.

"(2) When an institution described in paragraph (1) of this subsection offers a potential student athlete athletically related student aid, such institution shall provide to the student and his parents, his guidance counselor, and coach the information contained in the report submitted by such institution pursuant to paragraph (1).

"(3) For purposes of this subsection, institutions may exclude from the reporting requirements under paragraphs (1) and (2) the completion or graduation rates of students and student athletes who leave school to serve in the armed services, on official church missions, or with a recognized foreign aid service of the Federal Government.

"(4) Each institution of higher education described in paragraph (1) may provide supplemental information to students and the Secretary showing the completion or graduation rate when such completion or graduation rate includes students transferring into and out of such institution.

"(5) The Secretary, using the reports submitted under this subsection, shall compile and publish a report containing the information required under paragraph (1) broken down by—

"(A) individual institutions of higher education; and

"(B) athletic conferences recognized by the National Collegiate Athletic Association and the National Association of Intercollegiate Athletics.

"(6) The Secretary shall waive the requirements of this subsection for any institution of higher education that is a member of an athletic association or athletic conference that has voluntarily published completion or graduation rate data or has agreed to publish data that, in the opinion of the Secretary, is substantially comparable to the information required under this subsection.

"(7) The Secretary, in conjunction with the National Junior College Athletic Association, shall develop and obtain data on completion or graduation rates from two-year colleges that award athletically related student aid. Such data shall, to the extent practicable, be consistent with the reporting requirements set forth in this section.

"(8) For purposes of this subsection, the term 'athletically related student aid' means any scholarship, grant, or other form of financial assistance the terms of which require the recipient to participate in a program of intercollegiate athletics at an institution of higher education in order to be eligible to receive such assistance.".

20 USC 1092 note.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect July 1, 1992, except that the first report to the Secretary of Education shall be due on July 1, 1993.

**SEC. 105. ANALYSIS OF ATHLETIC ACTIVITY REVENUES.**

(a) IN GENERAL.—The Secretary, in conjunction with institutions of higher education and collegiate athletic associations, shall analyze the feasibility of and make recommendations regarding a requirement that institutions of higher education compile and report on the revenues derived and expenditures made (per sport) by such institutions' athletic department and intercollegiate athletic activities.

(b) REPORTS.—The Secretary shall prepare a report on the activities described in subsection (a) and transmit such report to the appropriate committees of Congress before April 1, 1991.

Crime Awareness and Campus Security Act of 1990.

## TITLE II—CRIME AWARENESS AND CAMPUS SECURITY

20 USC 1001 note.

**SEC. 201. SHORT TITLE.**

This title may be cited as the "Crime Awareness and Campus Security Act of 1990".

20 USC 1092 note.

**SEC. 202. FINDINGS.**

The Congress finds that—

(1) the reported incidence of crime, particularly violent crime, on some college campuses has steadily risen in recent years;

(2) although annual "National Campus Violence Surveys" indicate that roughly 80 percent of campus crimes are committed by a student upon another student and that approximately 95 percent of the campus crimes that are violent are alcohol- or drug-related, there are currently no comprehensive data on campus crimes;

(3) out of 8,000 postsecondary institutions participating in Federal student aid programs, only 352 colleges and universities voluntarily provide crime statistics directly through the Uniform Crime Report of the Federal Bureau of Investigation, and other institutions report data indirectly, through local police

agencies or States, in a manner that does not permit campus statistics to be separated;

(4) several State legislatures have adopted or are considering legislation to require reporting of campus crime statistics and dissemination of security practices and procedures, but the bills are not uniform in their requirements and standards;

(5) students and employees of institutions of higher education should be aware of the incidence of crime on campus and policies and procedures to prevent crime or to report occurrences of crime;

(6) applicants for enrollment at a college or university, and their parents, should have access to information about the crime statistics of that institution and its security policies and procedures; and

(7) while many institutions have established crime preventive measures to increase the safety of campuses, there is a clear need—

(A) to encourage the development on all campuses of security policies and procedures;

(B) for uniformity and consistency in the reporting of crimes on campus; and

(C) to encourage the development of policies and procedures to address sexual assaults and racial violence on college campuses.

**SEC. 203. DISCLOSURE OF DISCIPLINARY PROCEEDING OUTCOMES TO CRIME VICTIMS.**

Section 438(b) of the General Education Provisions Act (20 U.S.C. 1232g(b)) is amended by adding at the end thereof the following new paragraph:

"(6) Nothing in this section shall be construed to prohibit an institution of postsecondary education from disclosing, to an alleged victim of any crime of violence (as that term is defined in section 16 of title 18, United States Code), the results of any disciplinary proceeding conducted by such institution against the alleged perpetrator of such crime with respect to such crime.".

**SEC. 204. DISCLOSURE OF CAMPUS SECURITY POLICY AND CAMPUS CRIME STATISTICS.**

(a) DISCLOSURE REQUIREMENTS.—Section 485 of the Act (20 U.S.C. 1092) (as amended by sections 103 and 104) is further amended by adding at the end thereof the following new subsection:

"(f) DISCLOSURE OF CAMPUS SECURITY POLICY AND CAMPUS CRIME STATISTICS.—(1) Each eligible institution participating in any program under this title shall on September 1, 1991, begin to collect the following information with respect to campus crime statistics and campus security policies of that institution, and beginning September 1, 1992, and each year thereafter, prepare, publish, and distribute, through appropriate publications or mailings, to all current students and employees, and to any applicant for enrollment or employment upon request, an annual security report containing at least the following information with respect to the campus security policies and campus crime statistics of that institution: Reports.

"(A) A statement of current campus policies regarding procedures and facilities for students and others to report criminal actions or other emergencies occurring on campus and policies concerning the institution's response to such reports.

"(B) A statement of current policies concerning security and access to campus facilities, including campus residences, and security considerations used in the maintenance of campus facilities.

"(C) A statement of current policies concerning campus law enforcement, including—

"(i) the enforcement authority of security personnel, including their working relationship with State and local police agencies; and

"(ii) policies which encourage accurate and prompt reporting of all crimes to the campus police and the appropriate police agencies.

"(D) A description of the type and frequency of programs designed to inform students and employees about campus security procedures and practices and to encourage students and employees to be responsible for their own security and the security of others.

"(E) A description of programs designed to inform students and employees about the prevention of crimes.

"(F) Statistics concerning the occurrence on campus, during the most recent school year, and during the 2 preceding school years for which data are available, of the following criminal offenses reported to campus security authorities or local police agencies—

"(i) murder;
"(ii) rape;
"(iii) robbery;
"(iv) aggravated assault;
"(v) burglary; and
"(vi) motor vehicle theft.

"(G) A statement of policy concerning the monitoring and recording through local police agencies of criminal activity at off-campus student organizations which are recognized by the institution and that are engaged in by students attending the institution, including those student organizations with off-campus housing facilities.

"(H) Statistics concerning the number of arrests for the following crimes occurring on campus:

"(i) liquor law violations;
"(ii) drug abuse violations; and
"(iii) weapons possessions.

Alcohol and alcoholic beverages.
Drugs.

"(I) A statement of policy regarding the possession, use, and sale of alcoholic beverages and enforcement of State underage drinking laws and a statement of policy regarding the possession, use, and sale of illegal drugs and enforcement of Federal and State drug laws and a description of any drug or alcohol abuse education programs as required under section 1213 of this Act.

"(2) Nothing in this subsection shall be construed to authorize the Secretary to require particular policies, procedures, or practices by institutions of higher education with respect to campus crimes or campus security.

Reports.

"(3) Each institution participating in any program under this title shall make timely reports to the campus community on crimes considered to be a threat to other students and employees described in paragraph (1)(F) that are reported to campus security or local law police agencies. Such reports shall be provided to students and

loyees in a manner that is timely and that will aid in the vention of similar occurrences.

4) Upon the request of the Secretary, each institution participat- in any program under this title shall submit to the Secretary a of the statistics required to be made available under para- hs (1)(F) and (1)(H). The Secretary shall—

"(A) review such statistics and report to the Committee on Education and Labor of the House of Representatives and the Committee on Labor and Human Resources of the Senate on campus crime statistics by September 1, 1995; and Reports.

"(B) in coordination with representatives of institutions of higher education, identify exemplary campus security policies, procedures, and practices and disseminate information concerning those policies, procedures, and practices that have proven effective in the reduction of campus crime.

5)(A) For purposes of this subsection, the term 'campus' in- es—

"(i) any building or property owned or controlled by the institution of higher education within the same reasonably contiguous geographic area and used by the institution in direct support of, or related to its educational purposes; or

"(ii) any building or property owned or controlled by student organizations recognized by the institution.

B) In cases where branch campuses of an institution of higher cation, schools within an institution of higher education, or inistrative divisions within an institution are not within a onably contiguous geographic area, such entities shall be consid- separate campuses for purposes of the reporting requirements is section.

6) The statistics described in paragraphs (1)(F) and (1)(H) shall be piled in accordance with the definitions used in the uniform e reporting system of the Department of Justice, Federal eau of Investigation, and the modifications in such definitions as lemented pursuant to the Hate Crime Statistics Act.".

EFFECTIVE DATES.—The amendments made by this section shall effect on September 1, 1991, except that the requirement of on 485(f)(1) (F) and (H) of the Higher Education Act of 1965 (as ed by this section) shall be applied to require statistics with ect to school years preceding the date of enactment of this Act to the extent that data concerning such years is reasonably lable 20 USC 1092 note.

**205. PROGRAM PARTICIPATION AGREEMENT REQUIREMENTS.**

ction 487(a) of the Act (20 U.S.C. 1094(a)) is amended by adding e end thereof the following new paragraph:

12) The institution certifies that—

"(A) the institution has established a campus security policy; and

"(B) the institution has complied with the disclosure requirements of section 485(f).".

## TLE III—CALCULATION OF DEFAULT RATES

**301. CALCULATION OF DEFAULT RATES.**

ction 435 of the Act (20 U.S.C. 1085) is amended—

(1) in subsection (l), by striking out "The term" and inserting in lieu thereof "Except as provided in subsection (m), the term"; and

Loan programs—education. Insurance.

(2) in subsection (m), by inserting immediately after the first sentence the following: "In determining the number of students who default before the end of such fiscal year, the Secretary shall include only loans for which the Secretary or a guaranty agency has paid claims for insurance, and, in calculating the cohort default rate, exclude any loans which, due to improper servicing or collection, would result in an inaccurate or incomplete calculation of the cohort default rate.".

## TITLE IV—CONFORMING REGULATIONS

**SEC. 401. CONFORMING REGULATIONS.**

20 USC 1092 note.

(a) IN GENERAL.—The Secretary is authorized to issue regulations to carry out the provisions of this Act.

(b) SUSPENSION.—Subparagraphs (c) through (f) of section 668.44 of title 34, Code of Federal Regulations, are suspended.

Approved November 8, 1990.

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LEGISLATIVE HISTORY—S. 580 (H.R. 1454):

HOUSE REPORTS: No. 101-518 accompanying H.R. 1454. (Comm. on Education and Labor) and No. 101-883 (Comm. on Conference).
SENATE REPORTS: No. 101-209 (Comm. on Labor and Human Resources).
CONGRESSIONAL RECORD, Vol. 136 (1990):
Feb. 22, considered and passed Senate.
June 5, H.R. 1454 considered and passed House; S. 580, amended, passed in lieu.
Sept. 13, Senate concurred in House amendment with an amendment.
Oct. 22, House agreed to conference report.
Oct. 24, Senate agreed to conference report.

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